

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

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|---|---|--------------------------|
| Gale M. Lyons (a/k/a Gail Lyons, |) | |
| Gale Malissa Lyons), |) | C/A No. 8:05-2503-MBS |
| |) | |
| Plaintiff, |) | |
| |) | |
| vs. |) | |
| |) | OPINION AND ORDER |
| Edgefield County Police; Mike Cockrell; |) | |
| and Fred Densmore, |) | |
| |) | |
| Defendants. |) | |
| |) | |

Plaintiff Gale M. Lyons, proceeding pro se, brought this action pursuant to 42 U.S.C. § 1983, alleging that Defendants violated her constitutional rights in connection with her arrest and subsequent prosecution for malicious injury to personal property and assault and battery with intent to kill. She also alleges state law claims under the South Carolina Tort Claims Act, S.C. Code Ann. § 15-78-10 et seq.

This matter is before the court on motion for summary judgment filed by Defendants on June 12, 2006. On June 15, 2006, an order was issued pursuant to Roseboro v. Garrison, 528 F.2d 309 (4th Cir. 1975), advising Plaintiff of the summary judgment procedure and the possible consequences if she failed to respond adequately. Plaintiff filed a response to the motion on July 19, 2006, and an amended response on July 21, 2006.

In accordance with 28 U.S.C. § 636(b) and Local Rule 73.02, D.S.C., this matter was referred to United States Magistrate Judge Joseph R. McCrorey for pretrial handling. On December 1, 2006, the Magistrate Judge issued a Report and Recommendation in which he recommended that Defendants' motion for summary judgment be granted. Plaintiff filed no objections to the Report and Recommendation.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight. The responsibility for making a final determination remains with this court. Mathews v. Weber, 423 U.S. 261, 270 (1976). The court is charged with making a de novo determination of any portions of the Report and Recommendation to which a specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or may recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1). In the absence of objections to the Report, this court is not required to give any explanation for adopting the recommendation. Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983).

The court has carefully reviewed the record and concurs in the recommendation of the Magistrate Judge. The court adopts the Report and Recommendation and incorporates it herein by reference. Accordingly, Defendants' motion for summary judgment (Entry 22) is granted and the case dismissed.

IT IS SO ORDERED.

/s/ Margaret B. Seymour
United States District Judge

Columbia, South Carolina

December 27, 2006

NOTICE OF RIGHT TO APPEAL

Plaintiff is hereby notified that she has the right to appeal this order pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.